

Chairman Mumper & Members of the Senate Agriculture Committee

I appear before you in support of Senate Bill 383 the fuel testing bill. This has been an issue of great interest for me and many County Auditors' for several years.

You have already heard that Ohio is only one of four states which do not have such a fuel testing program and some of the results from sampling which has taken place in Ohio at gas stations.

When my inspectors are visiting the stations and testing for volume they are frequently asked by customers "How do I know I'm getting 92 octane when I'm being charged a premium price for it"? Until we started testing we had no good answer for them.

Likewise gas station owners and operators question the same issue as they want to be sure they are treating their customers properly. We have also found that a significant portion of the public believes that the county auditor's seal on the pump indicates that we are testing for content already.

Without this provision being enacted into state law, consumer complaints regarding octane, water and sediment in the fuel will have little recourse.

In 2001 I purchased an octane screening device widely used by many jurisdictions around the country and had my inspectors trained. They added the octane test to their testing procedures and sampled for octane while they were at the gas stations for their regular volumetric tests. Each octane test requires just a couple minutes to complete.

Without a change in the Ohio Revised Code such as incorporated in this bill, we were only able to notify the station owner of any deficiencies, but not require remediation.

Our results for octane testing were as follows: The first year 2001, we had the biggest issue with higher octane fuel, 93 octane and above. The screening device reported 15% of those

samples being .5 octane or more below the advertised octane on the pump. The tests for lower octane fuels were good and even rated above the advertised rating in many cases. In subsequent years, the premium grade testing has found fewer deficiencies, this year we found the lowest rate of rejection at about 2%. A graph and brief explanation of our results are submitted with this testimony.

This year we added a water and sediment tests to our gas station visits. While we have found some significant instances of water and dirt or sludge and possible microbial growth in some under ground storage tanks, the fuel being dispensed into the test vessel was acceptable.

We have found that so long as the pump filters were maintained the consumer has a reasonable assurance of receiving fuel without water or sediment above acceptable levels.

This still begs the question as to why these underground tanks have such contamination in the first place. Either there is an operational issue such as the drop tank wells being dirty or left open or the possibility of under ground leakage. In either case further investigation and remediation should be required when contamination is found to be present. We have had instances where station owners had their drop tanks pumped out and cleaned because of what we found there. They were quite predictably concerned as to why the water and sludge was there as well. They wanted to protect their customers whether the law required them to do so or not, but without our test they would not have known about it.

Our inspectors are certified and follow the applicable handbook of standards of all testing. This bill envisions a two tier process which incorporates a lab analysis or acceptance of the screening results prior to a fine being levied.

We realize that most errors we find in regard to fuel are similar to those found in scales, packaging and UPC scanner checks. Human error or mechanical failures are generally the

culprit not fraudulent acts. Regarding octane an error can be made in the drop tank or the blending mechanism inside the pump can fail.

There is no reason to believe the delivery and sale of motor fuel and kerosene wouldn't be subject to the same human errors. Therefore this testing is justified to help protect Ohio consumers.

Could there be an opportunity for any known sub-quality fuel to be taken to a state which doesn't test? We can't say this isn't a possibility, but our consumers deserve a higher degree of protection that they are getting in Ohio. Ohio has waited to see the impact of the Summit County program on fuel prices and there had been none. This bill does not include fees on the stations. The "permissive program" can be adopted within existing resources. This fuel testing bill being added to Ohio law and to the County Auditor's weights & measures current program would be an important step in strengthening Ohio's Consumer Protection.

I look forward to working with the sponsor, Senator Cates and the committee on some minor amendments as the bill receives further deliberation. I will be glad to take any questions you may have on the subject. Thank you!